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Pittsburgh Post Gazette

Editorial: Up to standard: Allegheny County reaches air particulate goals

The long, costly journey to clean up Pittsburgh's air continues, but right now a little celebration is in order.

Last week the Allegheny County Health Department reported that, for the first time since monitoring began in 1999, each of the county's eight air testing sites met federal standards in 2013 in the category of fine particulate pollution. Such pollution can have harmful effects on the cardiovascular system and is linked to respiratory diseases.

Even the monitor in Liberty, which typically registers the highest pollution readings in the county because of emissions from U.S. Steel's Clairton coke works and the topography of the Monongahela River valley, had average readings for the year that passed federal muster.

This doesn't mean the region's dirty air challenges are over. Local monitors still don't meet federal standards for sulfur dioxide or ozone, and greater improvement will require a full-court press from industries, power plants, motorists and energy consumers.

For now, though, the players who have put forth the sustained effort to clean up the region's skies — particularly U.S. Steel, which spent \$500 million on a new battery of coke ovens — can relish this milestone. Then they must continue the work that will demonstrate 2013 was not a flash in the pan, but greater progress toward meeting all clean air standards.

Philadelphia Inquirer

Large sewage spill mars a trout stream in Valley Forge National Historic Park

By Sandy Bauers, *Inquirer* Staff Writer

A large, aged sewer pipe going through Valley Forge National Historic Park broke Tuesday, spilling raw sewage into Valley Creek, a state-designated "exceptional value" stream and trout-fishing mecca, at the rate of 5,000 gallons a minute.

Valley Creek drains into the Schuylkill, and Philadelphia Water Department officials were on alert, in case they had to shut down the Belmont or Queen Lane drinking-water intakes.

Joanne Dahme, a spokeswoman for the department, said upstream utilities would see any impact first and would share that information.

The sewer main is a 30-inch pipe owned by the Tredyffrin Township Municipal Authority, and the break was in the vicinity of a similar pipe rupture in February.

Tredyffrin Township officials were not immediately available for comment, but an item on the township's website said that the break was in the vicinity of Routes 252 and 23 in the park.

All roads in the park have been closed, according to the National Park Service.

The break was reported to the state Department of Environmental Protection at 10:45 a.m., according to spokeswoman Deborah Fries.

Valley Creek also is a "Class A Wild Trout Fishery," a state Fish and Boat Commission designation.

No fish were killed, said the commission's regional wildlife conservation officer, Robert Bonney. He suspected that was largely because the water in the creek is so cold, which means it holds more oxygen than in summer-warmed water.

Bacteria in sewage eat oxygen, and fish can suffocate.

But Bonney said he did not know what the effect would be on the aquatic insects in the stream, or its brown trout, which are hatching now.

State Impact Pennsylvania

DEP chief says he's tried to change the tone at the agency

March 18, 2014 | 8:02 PM

By Marie Cusick

State Department of Environmental Protection Secretary Chris Abruzzo says when he took charge of the agency nearly a year ago, he wanted to change its perception.

“There was this sense—at least publicly—we were very tight with information and not necessarily transparent in what we were doing.”

Speaking today at Widener Law in Harrisburg, Abruzzo says he's tried to get the public more involved in the agency's decision-making process.

He pointed to the recent series of public hearings across the state on new oil and gas regulations, as well as updates to the department's website—including a biweekly newsletter and YouTube channel.

“No offense, our website looked like the Encyclopedia Britannica,” he said. “It was not dynamic. It did not engage the public. We've tried very hard to overhaul that website.”

Abruzzo took over as acting DEP Secretary last April, after former Secretary Mike Krancer stepped down to take a job at a Philadelphia law firm. Abruzzo had previously served as Governor Corbett's deputy chief of staff. His professional career has primarily been focused on criminal law, not environmental issues.

He says he encourages DEP staff to be problem-solvers, by streamlining the permitting process, promoting consistency among its six regional offices, and conducting thousands of inspections of oil and gas sites.

“We can talk a good talk, but we're walking the walk now at the agency,” he said. “We're demonstrating to folks we are a scientific agency. We're not worried about people coming in and learning more about our people or our facilities. We invite it.”

BN A Daily Environment Report

EPA Regions Refuse to Consider Petitions for Stormwater Runoff Regulation

By Amena H. Saiyid

March 18 — Three regional Environmental Protection Agency offices have chosen not to address petitions filed by environmental groups in mid-2013 seeking to require permits for stormwater runoff from existing industrial and commercial properties and institutional sites such as airports, hospitals, schools and universities, environmental attorneys told Bloomberg BNA March 18.

Rebecca Hammer, project attorney for the Natural Resources Defense Council's water program, said the agency's mid-Atlantic office (Region 3) and the Southwest and California office (Region 9) rejected the petitions outright.

The New England office (Region 1) said it would neither grant nor deny the petitions and would continue investigating the impact of stormwater runoff from existing sites to determine whether regulation is warranted.

Jeffrey Odefey, clean water supply programs director for American Rivers, told Bloomberg BNA that the 10 petitioning groups were heartened by Region 1's response, but overall they were disappointed that the EPA chose to disregard the petitions.

The NRDC, American Rivers and the Conservation Law Foundation on behalf of seven regional environmental groups submitted separate petitions in July 2013 to the three EPA regional offices (133 DEN A-17,

7/11/13).

Residual Designation Authority Invoked

The petitions invoked the EPA's residual designation authority to regulate stormwater under the Clean Water Act. The authority allows an EPA regional office or a delegated state permitting agency to require National Pollutant Discharge Elimination System permits for stormwater discharges from unregulated sources that are found to contribute to a violation of water quality standards.

The regional offices responded to the petitions March 12.

The petitioning groups said regulation of stormwater from the unregulated commercial sites, industrial facilities and large institutions is needed because it contains copper, lead, zinc, nitrogen, phosphorus, sediments and other oxygen-depleting compounds that pollute nearby waterways.

In a March 17 blog post, Hammer said that the EPA “acknowledged that stormwater runoff from the categories of sites we identified—commercial, industrial, and institutional properties—contains the same pollutants that are fouling our waters.”

Shawn Garvin, EPA Region 3 administrator, told the groups that the “EPA believes that there exist a number of tools and programs in place that address stormwater pollution,” such as municipal separate storm sewer system permits, local and Chesapeake Bay total maximum daily load implementation plans and strong state stormwater regulations.

Jared Blumenfeld, the Region 9 administrator, also said strong stormwater control programs are already in place and added that the agency lacks information to make a region-wide designation for the categories.

Odefey said the groups will continue to make best use of the residual designation authority (RDA) tool to pursue stormwater regulation in

various communities across the nation.

Greenwire

EPA: Environmental reporters' group slams 'incredibly secretive' agency

By Robin Bravender, E&E reporter

Published: Tuesday, March 18, 2014

After a massive chemical spill fouled drinking water in West Virginia early this year, it took nearly a week for a *Charleston Gazette* reporter to get an interview with someone at U.S. EPA.

That's far from the transparency the Obama administration has promised, according to journalists who track the agency.

And it's just one of many examples of EPA dragging its feet, skirting questions or failing to respond at all to reporters' inquiries, says an opinion piece published today by officials at the Society of Environmental Journalists.

"Sadly, such communication delays by EPA are not limited to crises. Journalists frequently report waiting for days and in some cases weeks to get EPA to respond to routine requests for information or interviews," wrote Beth Parke and Joseph Davis of the Society of Environmental Journalists. The piece was published by the nonprofit organization Environmental Health Sciences.

The association of environmental reporters has accused the administration of failing to comply with its own pledges of boosting transparency. EPA Administrator Gina McCarthy and other top agency officials have consistently touted the importance of sharing information with the public.

Members "have seen an agency that for much of the 1980s and 1990s was considered one of the most open in the federal government become incredibly secretive, especially under the Obama Administration," they wrote.

"[N]owadays EPA in many cases simply fails to answer questions posed by journalists on behalf of the public -- even some that are routine and non-controversial. When the agency does respond, a favorite tactic is to wait until just before or even after a reporter's deadline and then mail a short written statement that does not answer the questions."

SEJ contrasted EPA's actions with statements from top officials. "The more we can get our story told and the information out, the better we all are," McCarthy said in a recent interview. "Facts

should speak for themselves, and we should get them to you as quickly as we can."

The group pointed to several other cases so far this year where reporters said they didn't get sufficient responses.

In January, reporter Dan Telvock of the *Investigative Post* news service in Buffalo, N.Y., sought more information about an EPA official's public statements about environmental risk in a low-income neighborhood. EPA provided unrelated information and an interview with someone who couldn't address Telvock's original question, SEJ said, and he didn't have enough information to write the story.

Independent journalist Gary Wilson asked the Chicago regional office for routine information on federal funding for fighting invasive Asian carp in the Great Lakes but didn't get the figures until eight days later, after reminding the agency. And he still hasn't gotten an answer to an inquiry he made last fall about the impact of the government shutdown on toxic cleanup in the region.

And in Portland, Ore., journalist and author Elizabeth Grossman contacted EPA for information about the agency's regulation of contaminants and emissions from dairy operations for a *Yale Environment 360* story. Nearly three weeks later, she had gotten a nonresponsive one-sentence statement and a link to an EPA website, but no detailed answers to questions she had posed, SEJ said.

EPA spokeswoman Liz Purchia today said those accounts aren't entirely true, adding that SEJ hadn't contacted the agency about the piece before it was published.

"While the op-ed contains several inaccuracies, timely response remains a priority for EPA," she said in a statement. "EPA works daily to ensure that any information we share with the public is timely, accurate, and reflects all of the necessary facts."

Purchia added, "We reiterated our commitment to improved communication recently both in-person and in writing with the Society of Environmental Journalists and we stand by that commitment to transparency and helping reporters and the public understand the Agency's work to protect public health and safeguard the environment."

This isn't the first time SEJ has criticized the agency's handling of media requests. The group last year declared EPA "one of the most closed, opaque agencies to the press" (*Greenwire*, April 11, 2013).

The group also criticized public access to information about the West Virginia spill in a January [letter](#) to officials at EPA and the Centers for Disease Control and Prevention.

Tom Reynolds, who heads EPA's communications office, [replied](#) later that month, defending the agency's responses.

"EPA began receiving and responding to media inquiries regarding the spill on January 10," Reynolds wrote. "Since then, we have responded directly and in a timely fashion to inquiries

from more than two dozen media outlets, providing information on a wide range of issues, including the agency's role in the response, known information about the chemicals spilled, and EPA's regulatory authorities."

Associated Press

McAuliffe expects Duke to pony up for coal ash spill

By Steve Szkotak
The Associated Press
© March 18, 2014

DANVILLE

Gov. Terry McAuliffe said Tuesday he expects Duke Energy to fully compensate Virginia for a massive coal ash spill into the Dan River that turned collection basins at Danville's water treatment plant gray.

McAuliffe spoke after he toured the city's treatment plant and was assured the drinking water for 18,000 customers were well within safe-drinking standards based on multiple municipal, federal and independent water testing.

"I'm going to have a little glass of water myself," McAuliffe said at the conclusion of the tour of the plant, which overlooks the Dan River.

Despite questions about Duke's handling of the Feb. 2 spill, McAuliffe said Duke executives had assured him they would make good on any costs associated with the spill in Virginia. The spill coated 70 miles of the Dan River, which crosses both states, with toxic sludge.

"I have assurances from Duke Energy that they're going to pay for everything," McAuliffe said. "I take them at their word. No reason not to."

In North Carolina, a federal grand jury was to convene Tuesday as part of a widening criminal investigation sparked by the spill, which coated 70 miles of the Dan River with the toxic sludge.

Environmental groups are pressuring North Carolina regulators and lawmakers to compel Duke to clean up leaky, unlined ash pits polluting state waters. They contain a toxic stew of arsenic, selenium, lead and other poisonous contaminants found in coal ash.

Virginia has 11 coal ash pits, and they have all undergone state and Environmental Protection Agency inspections to ensure a similar environmental mess won't occur, said David K. Paylor, director of the Virginia Department of Environmental Quality. He said five of the impoundments

are scheduled to be retired.

Paylor said some deficiencies were found and "the owners got on (them) pretty quickly and made the corrections." One impoundment had a storm drain beneath it, similar to the North Carolina impoundment in Eden, and it was being monitored by cameras. He said it was located in southwest Virginia.

Paylor, who was to be the lead state official at the public meeting later Tuesday, said the inspections were done within the last several years.

McAuliffe agreed with Paylor's statement last week that Duke would be held accountable for any remediation as a result of the spill in Virginia.

The state is taking a long-term look at the impact of the spill, testing fish and other marine life, among other work that "is ongoing and continues to be ongoing." He said a full environmental assessment might not be known for years. Testing on fish, for example, might not reflect certain contaminants for years to come.

"In the long term, we have to evaluate what the damage to the river was, what the damage to recreation was, the damage to fisheries," Paylor said. "I don't expect them to be lasting forever. Much of the coal ash will eventually be buried with other sedimentation."

Paylor and McAuliffe declined to speculate on the ultimate costs.

"It's going to take time," McAuliffe said. "I think the DEQ is going to be working on this two, three, four years. We don't know at this point."

Asked if he would seek more stringent regulations on coal ash impoundments, McAuliffe said he would leave that call to DEQ.

Barry T. Dunkley, the director of the treatment plant, said the coal ash in the Dan was visible the day after the spill. He said not only could it be seen in the river, but in the gray ash that collected in basins at the treatment plant.

Andrew Lester, executive director of the Roanoke River Basin Association, said he was pleased to see McAuliffe and Paylor in Danville, which is about 20 miles downriver from the spill.

"We know that there's only so much they can do at this point, but we're happy to know he's at the front of the issue," Lester said of McAuliffe. "This is a long-term issue."

Charleston Gazette

MCHM odors show chemical not gone, experts say

By Ken Ward Jr.

CHARLESTON, W.Va. -- Continued reports from residents about licorice-smelling water long after the region's water system was flushed are a clear indication that chemicals from the January leak into the Elk River haven't been completely cleaned out, experts said Tuesday.

While state officials and the water company tout "non-detect" test results, such results help to confirm that Crude MCHM can be smelled at lower concentrations than laboratories can measure, the experts said.

"By now, things should have been flushed out," said Michael McGuire, an environmental engineer working with the West Virginia Testing Assessment Project, or WVTAP. "It clearly hasn't been; because people are still smelling it."

McGuire and other experts working with WVTAP answered questions Tuesday about two reports issued a day earlier. The reports, funded by the Tomblin administration, examined the "odor threshold" for MCHM and provided a summary of published research about the toxicity of chemicals involved in the Jan. 9 Freedom Industries leak.

The most significant new information in the reports was a finding that humans can detect -- but not clearly identify -- the smell of Crude MCHM at concentrations as low as 0.15 parts per billion. State officials previously had thought the odor threshold was about 1.0 part per billion.

Under the WVTAP's new odor threshold, humans could smell MCHM at levels far below the controversial 1.0 part-per-million health "screening level" put together by the U.S. Centers for Disease Control and Prevention. One part per million equals 1,000 parts per billion.

However, a team of WVTAP experts has yet to meet to begin a separate review of how the CDC developed that health-screening number, and the CDC's work has been strongly criticized by independent public-health experts.

Craig Adams, a Utah State University environmental engineer working with WVTAP, said his literature review published Monday revealed far less data about MCHM's potential health effects than would normally be needed to set an official drinking-water standard for the chemical.

"There is certainly much, much less [data] than for a compound for which they're making a regulatory determination," Adams said during a conference call Tuesday with members of the news media and some environmental-activist groups.

Adams and McGuire conducted their work as part of the WVTAP project, launched last month by Gov. Earl Ray Tomblin amid significant public pressure over concerns about lingering and long-term impacts of the leak that contaminated the drinking-water supply for 300,000 residents in a nine-county region. Jeff Rosen, president of the Corona Environmental consulting firm, and Andrew Whelton, an environmental engineer with the University of South Alabama, are

hiring experts from around the country to assist with WVTAP's work.

Next week, the project plans to make public the results of water sampling that Whelton conducted at 10 homes across the region.

Previously, state government officials had tested water only at West Virginia American's Elk River plant, and at public locations such as fire hydrants and schools. Whelton's research aims to figure out if something about different sorts of plumbing systems has caused MCHM or other spill chemicals to be absorbed into those plumbing systems, and periodically re-released into residents' drinking water.

Locally, some officials have downplayed the lingering-odor complaints, arguing that the levels humans can smell are far below what the CDC's calculation said would be likely to make people sick.

However, McGuire has argued in some of his published work that water utilities and regulators need to take complaints about odor and taste of water more seriously, regardless of whether direct health impacts are involved or not.

"Taste and odor problems in water supplies that are not solved and that recur over time could engender an outrage reaction and drive the public to clamor for immediate solutions to situations which they perceive as risky," McGuire wrote in one 1995 paper, published in the journal *Water Science and Technology*.

McGuire explained Tuesday that humans instinctively think that drinking water that smells bad, or even unusual, isn't good for them to drink.

"What do we do when we take a quarter of milk out of the fridge that's been in there a while? We take a smell of it," McGuire said. "We've learned by habit that our sense of smell can warn us of things that are bad for us."

With chemicals in drinking water, McGuire said, that instinct is sometimes correct - but sometimes not.

"There is not a direct relationship between odor and toxicity," McGuire said. "For some compounds, you can smell it before it is bad for you, and with others it is the reverse."

Still, McGuire said, the goal must be to not have any of an industrial chemical like MCHM in drinking water, and certainly to not have drinking water that smells like black licorice. Given the very low odor threshold for MCHM, it's not yet clear exactly how that goal will be achieved.

"In a normal situation, you would have expected by now that it was flushed out," McGuire said.

Knowing a more accurate number for the chemical's odor threshold will help officials know more about at what the public might no longer notice MCHM. And additional WVTAP research by Whelton could help provide answers about how the chemical has stayed in the system or

homes, and help officials begin to figure out how to get it out.

"There is a tremendous amount of information that needs to be obtained," Whelton told reporters Tuesday. "These questions need to be answered."

Charleston Daily Mail

Officials promise chemical spill reports to be released next week

by Dave Boucher

Daily Mail Capitol Bureau Chief

Results of an initial test of the pipes in homes affected by the Freedom Industries chemical leak is slated for release as early as next week, scientists announced in a conference call Tuesday.

The preliminary in-home testing results will create a framework for the anticipated larger sampling plan, one of several projects on tap for the West Virginia Testing Assessment Project, said Jeff Rosen, an environmental engineer who's helping to lead the program.

Gov. Earl Ray Tomblin hired Rosen and University of South Alabama Professor Andrew Whelton to lead WVTAP after persistent public pressure for in-home testing in the wake of 300,000 residents receiving tainted tap water.

Rosen, Whelton and other members of the team answered questions Tuesday afternoon about two reports the team recently released.

California-based scientist Mike McGuire discussed his report, which found that a nine-member panel was able to smell the telltale licorice odor of crude MCHM at extremely low concentrations.

Utah State University Professor Craig Adams talked about his report on the relative lack of available toxicological information on crude MCHM and all the other chemicals that might have been in the tank. Although Freedom Industries, owner of the faulty storage tank, reported the tank held crude MCHM, PPH and water, the specific amounts aren't known, Adams said.

The reports help lay the groundwork for future WVTAP endeavors, the scientists said. They're convening a panel of experts from around the world to discuss the ramifications of the information that is known and what information still needs to be released, Whelton and Rosen said.

The team is also working on other studies. In addition to finalizing the preliminary in-home

report, McGuire said the team is working on a study about possible reactions between the chemicals that leaked and the chemicals used by the water company in its filtration system.

Rosen said team members would issue a press release in the next few days about an event they expect to have in Charleston next week. They plan to present the findings from the 10-home initial testing and other information at the event, he said.

Tomblin initially allocated \$650,000 for the project, but granted another \$115,000 at the request of the team. Rosen said the team is working diligently to stay on budget, but he didn't rule out potentially needing more funding in the future.

Delmarva Public Radio

EPA Says It Is Not Endorsing Gas-Fired Plant in Newark

By Don Rush

The Environmental Protection Agency says the agency has not given its blessing to the gas-fired power plant that would come with the data center at the proposed facility in Newark.

EPA Regional Administrator Shawn Garvin said that a letter from his agency supporting the type of cogeneration technology planned for the site...is not an endorsement of the project.

And Representative John Kowalko (D-Newark) told the Wilmington News Journal that the letter should not be used as an endorsement.

Brian Honish, a vice president at TDC which is building the project, says the company put out the letter as a way of saying that his firm is using the best and most efficient technology now available.

Co-generation does produce relatively fewer greenhouse gases and other pollutants than traditional power plants.

Cecil Whig

Clean Chesapeake Coalition calls out EPA

By Jane Bellmyer jbellemyer@cecilwhig.com | Posted: Wednesday, March 19, 2014 3:00 am

CHESTERTOWN — The organization representing Cecil and other Maryland counties concerned with the health of the Chesapeake Bay has sent a letter to the U.S. Environmental Protection Agency seeking better efforts on the bay's behalf.

Charles "Chip" MacLeod, general counsel to the Clean Chesapeake Coalition, said Tuesday the letter urges the EPA to make Exelon take responsibility for the removal of tons of silt behind the Conowingo Dam. The letter, which is signed by Kent County Commissioner Ronald H. Fithian on behalf of the coalition, asks Gina McCarthy, EPA administrator, for a meeting with her and her staff "to discuss the environmental impacts and threats related to the state of the reservoir above the Conowingo Dam in the lower Susquehanna River."

The goal is to get an environmental focus on the dam's relicensing process, MacLeod said.

"The EPA is not as engaged as they should be," MacLeod said.

He said Exelon Generation, current owner and operator of the dam straddling the Susquehanna River and connecting Cecil and Harford counties, has been in the process of renewing its license with the Federal Energy Regulatory Commission since 2009.

"FERC has to give the license. Their chief focus is energy, not environment," he said.

MacLeod said the EPA, however, should be using this time as an opportunity to force the issue of a clean up.

"Exelon wants a 46-year license," MacLeod said. "Nobody is disputing they run a good dam. But above the dam is basically a stormwater management pond and it's full."

According to MacLeod, an opportunity to address the silt was lost when state and federal regulators approved the merger of Exelon with Constellation Energy in 2012.

"Wouldn't that have been a good time to say as part of the merger you have to clean up the bay?" MacLeod said, noting that 41 conditions to the merger include nothing about the issue. "Something's out of whack. Where's the outrage?"

He said if a construction site operated without erosion measures in place, it would be noticed and action would be taken.

“Look at what we put people through to stop a little run-off,” he said. “When you’re building something, you’re supposed to put up silt fence. But we’re ignoring the top of the bay.”

Fithian also noted the irony.

“The Susquehanna River is the single largest source of pollution loading to the Chesapeake Bay and because all that flows down the mighty Susquehanna flows through the Conowingo Dam, the dam is a significant point source of sediment and nutrient pollution,” Fithian’s letter states. “So far EPA’s involvement in this once in a generation opportunity to give the Chesapeake Bay a fighting chance has been disappointing.”

MacLeod said since the dam was built more than 80 years ago, every utility in its charge has generated electricity, which is now sold at a profit to the PJM grid.

“The dam was built at time when the government was incentivizing construction,” he said. “They were given long licenses to recover the costs.”

With their license set to expire in August, MacLeod said Exelon should be required to participate in funding the cost of the silt removal.

“Nobody’s worried about putting the cost on the taxpayers,” he said.

Bob Judge, spokesman for Exelon, said the utility giant chose not to comment on the matter. Exelon officials said previously that the build up has no effect on power generation.

Maryland’s Senate voted unanimously last month to approve [Senate Joint Resolution 4](#), which would urge Congress to charge the U.S. Army Corps of Engineers with a study of the best way to remove the growing pile of silt. Companion legislation in the House of Delegates is stalled in the House Rules Committee.
